IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY THIRD DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 22688 of 1994

Between:

1 Nalavelli Rajamallu, S/o Gattaiah,
R/o Maredupaka (V), Ramagundam (M),
Karimnagar Dist.
2 Nalavelli Rajamallu, S/o Muttaiah,
R/o Maredupaka (V), Ramagundam (M),
Karimnagar Dist.
3 Badara Boina Narsaiah, S/o Pedda Narsaiah,
R/o Maredupaka (V), Ramagundam (M),
Karimnagar Dist.
4 Choppari Peddulu, S/o Bhommaiah,
R/o Maredupaka (V), Ramagundam (M),
Karimnagar Dist.
5 Talla Hanmaiah, S/o Sivaiah,
R/o Maredupaka (V), Ramagundam (M),
Karimnagar Dist.
6 Dadi Kondaiah, s/o Yellaiah,
R/o Maredupaka (V), Ramagundam (M),
Karimnagar Dist.
7 Talla Rajamallu, s/o Pochaiah,
R/o Maredupaka (V), Ramagundam (M),
Karimnagar Dist.
8 Tinneboing Ramaiah, S/o Mallaiah,
R/o Maredupaka (V), Ramagundam (M),
Karimnagar Dist.

..... PETITIONERS

AND

1 The State of A.P., Rep. by Chief Secretary,
Secretariat, Hyderabad.

2 The Land Acquisition Officer & Special Deputy Collector,
L.A. Unit, Singareni Colliries Company Ltd., Godavari Khani,
Karimnagar District.
3 The District Collector,
Karimnagar.
4 Chairman/Managing Director,
Singareni Collieries Company Ltd., Red Hills
Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order and direction more particularly one in the nature of writ of Mandamus declaring that the action of the respondents in not acquiring the lands of the petitioners in S.No.207 to an extent of Ac.4.30 gts. situated at Maredupaka Village, Ramagundam (M), Karimnagar Dist under Land Acquisition Act is highly arbitrary bad and illegal and consequently direct the respondents to acquire and pay compensation to the lands of the petitioners in S.No.207 to an extent of Ac.4.30 gts situated at Maredupaka Village, Ramagundam (M), Karimnaga District.

Counsel for the Petitioners:MR.P.PRABHAKAR REDDY

Counsel for the Respondent Nos.1 to 3: G.P. FOR REVENUE

Counsel for the Respondent No.4 : MR.K.SRINIVASAMURTHY

The Court made the following :

ORDER:

Heard both sides.

The petitioners herein, who are the assignees of the land in question viz., Ac.4.30

guntas, situated at Maredupaka Village, Ramagundem Mandal, Karimnagar District, filed this Writ Petition, inter alia, seeking writ of Mandamus to declare the action of the respondents herein in not acquiring the said land and paying the compensation on par with other land, which has been acquired simultaneously for the same purpose, as arbitrary, bad and illegal.

The case of the petitioners in brief is that they are small farmers and owners of the land in Sy.No.207 as assignees and they have been in possession and enjoyment thereof by raising crops. The said land was acquired along with a large extent of the other land at the requisition of Singareni Collieries Company for its collieries. Accordingly, notification under Section 4(1) of the Land Acquisition Act was issued on 04-01-1990. This was followed by a declaration under Section 6 thereof on 10-07-1991. However, subsequently at the stage of award, which was passed on 28-06-1993, the petitioners land was excluded mainly on the ground that it is a Government assigned land and compensation for assigned land is not permissible. The case of the petitioners is that in fact they are entitled to compensation on par with other pattaland owners and therefore such a deletion is bad. Hence, the Writ Petition.

In the counter-affidavit filed by the respondents herein it is stated that since the land belongs to Government and being assigned land, and also as per the instructions issued in G.O.Ms.No.42, Rev.(B) Department dated 23-01-1988, the petitioners could not have been made any claim at the relevant point of time. Therefore, land has been rightly excluded and no award has been passed. Hence, sought for dismissal of the writ petition.

Considering the submissions made and on perusal of the material, the only question, which falls for consideration is, whether the petitioners, who are the assignees of the land in question, are entitled to the compensation on par with other landholders whose land has been acquired simultaneously under the provisions of Land Acquisition Act. There is no dispute to the aforesaid basic facts that the petitioners land was acquired land along with other lands. However, at later stage the same was sought to be deleted on the ground that land is assigned land and no compensation can be paid, since it originally belongs to the Government. The said question is now no longer res integra, since a larger bench of this Court in a decision reported in LAO-CUM-RDO, CHEVELLA DIVISION, DOMALAGUDA, HYDERABAD v. M.PANDU has held that assignees are also entitled to similar

treatment and compensation on par with the other patta landholders. In view of the same, stand taken by the respondents does not holds good and they are not entitled to delete the said land from acquisition or not passing any award fixing compensation to which petitioners entitled under the law.

In the circumstances, the Writ Petition is allowed directing the respondent No.2 to issue fresh notification under Section 4 (1) of the Land Acquisition Act and pass award for determination of the market value in regard to compensation to which they are entitled to along with all other benefits as per the aforesaid Act. The entire such exercise shall be made within a period of three months from the date of receipt of a copy of this order. No costs.

_____

B.PRAKASH RAO, J.

Dated 23-09-2004.

Skmr

To

1 The Chief Secretary, State of A.P.,
Secretariat, Hyderabad.
2 The Land Acquisition Officer & Special Deputy Collector,
L.A. Unit, Singareni Colliries Company Ltd., Godavari Khani,
Karimnagar District.
3 The District Collector,
Karimnagar.
4 Chairman/Managing Director,
Singareni Collieries Company Ltd., Red Hills
Hyderabad.

5. 2CCs to G.P. for Revenue, High Court Buildings, Hyderabad (OUT).

6. 2CD copies